

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

0900-0460

Case Title:

Hunters Point Shipyard

Subject of Report:

September 27, 2016 Interview of George Patrick "Pat" Brooks

Reporting Office:

San Francisco, CA, Area Office

Activity Date:

September 27, 2016

Reporting Official and Date:

██████████
Special Agent

12-OCT-2016, Signed by: ██████████

Approving Official and Date:

██████████
Acting Deputy Director
13-OCT-2016, Approved by: ██████████
Assistant Director for Investigations

SYNOPSIS

September 27, 2016 Interview of George Patrick "Pat" Brooks

DETAILS

On September 27, 2016, Special Agents (SA) ██████████ (Department of Defense, Office of the Inspector General, Defense Criminal Investigative Service), ██████████ (Naval Criminal Investigative Service), ██████████ (Nuclear Regulatory Commission Office of Investigation) and ██████████ (EPA Criminal Investigation Division) interviewed George Patrick "Pat" Brooks (NAVFAC BRAC). Also present were civil Assistant United States Attorney (AUSA) Steve Saltiel and Mike Tencate (NAVFAC SW Office of Legal Counsel). Prior to the start of the interview, the parties introduced themselves, SA ██████████ explained the nature and purpose of the interview and Brooks provided the following information:

Brooks said that he has been a Business Line Team Leader (BLTL) for approximately six years. As a BLTL, he helps teams figure out technical issues associated with work scopes, helps with the (contracting) proposal process, and with the evaluation of proposals, as well as supervision. Brooks said that he worked previously for Sealaska for a couple of years, but he is not sure when. He was also the lead Remedial Project Manager (RPM) for Hunters Point Naval Shipyard some time in the early 2000s. He also worked as a contract RPM for the groundwater program and has other experience in private industry.

Brooks was asked if he was a BLTL in 2011 and he said that he was. Brooks was asked whether he has a role in approving claims for payment and he said that he does not really have a role in that. Brooks said that approving claims for payment is an RPM responsibility. Brooks said that every work scope has a section describing how payment is to be made. Some payments are to be made, for example, based on percentage of work complete. The RPMs review what work is required under the work scope and how it is to be paid to the contractor. Brooks supervises the RPMs.

Brooks was asked if he had a role in the approval of payments when he was an RPM and he said that he did. Brooks was asked if he approved TetraTech's invoices and said that he cannot recall whose invoices he approved, but that it is possible that he did.

Brooks said that every Task Order has its own Scope of Work (SOW). The SOW lays out what is legally required of the contractor.

Brooks was asked if he interacts with the ROICC and he said that he does not. Brooks said that the ROICC can input data to EProjects. EProjects is a computer system used to initiate Task Orders. It is an internal system, so contractors do not have access to EProjects.

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Brooks said that he does not typically participate in the weekly Quality Control meetings.

Brooks was asked if he goes on-site. He said that he does. Brooks said he did a site walk on a proposed Task Order for a liner for a landfill. He went because the RPM was busy. The site walk was part of the pre-award proposal process.

Brooks said that he went to Hunters Point to observe the methodology on some of the alpha scan re-work triggered by problems with the scan speed. This was approximately a year ago, in December.

Brooks said that in 2011 and 2012, Chris Yantos was the RPM for Hunters Point. Brooks said that he only found about the scan speed issue after TetraTech self-reported it.

Brooks recalled that the high Potassium-40 results in the soil samples at Hunters Point were detected by the RASO. Prior to that, Brooks had thought that TetraTech was a good contractor that worked safely and accomplished a lot of work at Hunters Point. Now a lot of TetraTech's work has been called into question, and for good reason.

Regarding Parcels B and G, Brooks said that the state of California has re-issued the free release letters that they had called back when the speed scan issue surfaced. Some high levels have been discovered during the rescan work on Parcels C and E. Brooks said that by the time the re-work was done, the clean-up standards had changed a bit. The standards went to 12 millirems per year. Prior to the re-work, the standard was background plus one picocurie per gram. Brooks said that California needs to determine if they want additional scanning or additional remediation on Parcels C and E. Brooks thinks the Navy got a letter from EPA saying to check and double-check before transferring additional property to San Francisco.

Brooks produced some documents to SA [REDACTED], including some invoices for re-sampling the anomalous soil samples, and some invoices for prior sampling work. The invoices were compiled by Hamadi Kayaci. Brooks explained that CPARS are performance assessment reports. He said that if a contractor receives a marginal or unsatisfactory assessment, other government entities can look at that and the bad rating could cause a whole proposal for future work to be unacceptable.

Brooks said that TetraTech is still a contractor on an unrestricted EMAC, but the contract is exhausted. TetraTech is now having problems with its past evaluations. Brooks said that the root problem for TetraTech is their lack of Quality Assurance/Quality Control (QA/QC). TetraTech needs to demonstrate greater attention to QA/QC. TetraTech can do this in their future proposals, for example, by outlining a system of field audits or other ways to strengthen QA/QC.

Brooks said that he reviews Corrective Action Reports (CARs) written by the contractor. He said that TetraTech wrote a CAR on scan speed. The Navy reviews and approves draft CARs submitted by the contractor. Brooks said that there should have been a CAR on the anomalous soil samples as well.

Brooks said that he believes that invoicing for the soil samples took place before the falsification was detected, so he believes those invoices were paid. Brooks was asked if the associated Final Status Survey (FSS) Reports had been prepared as well and he said that he thinks they had.

Brooks was asked why the RASO was reviewing the data when they found the anomalies. Brooks said that he does not know. Brooks said that he does not know how RASO was able to find elevated levels of one isotope amongst all the data submitted.

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Brooks was asked if he was involved with negotiations regarding the re-work and who would pay for the scan speed issue. On the soil samples, TetraTech wrote their own report. TetraTech proposed re-sampling without arguing about it. Brooks said that TetraTech never suggested that the Navy should pay for the soil re-sampling. Regarding the areas to be resampled, Brooks said that TetraTech identified some areas and he thinks that RASO identified some additional areas.

Regarding Hamadi Kayaci, Brooks said that she works at NAVFAC BRAC and uses invoices to generate cost estimates needed to evaluate proposals. Brooks approached Kayaci for some TetraTech invoices for Hunters Point because RPM Chris Yantos was not in the office this morning. As an RPM, Kayaci has access to WAWF, the electronic invoicing system.

Brooks said that his primary concern at Hunters Point currently is the Parcel C scan speed re-work. The regulatory standard is currently lower than it was when the original work was done.

Brooks was asked if TetraTech submitted invoices for the resampling of the soil and he said that he doesn't think so, but he is not sure.

Brooks was asked to quantify the cost of the soil sampling re-work. Brooks said that it could be more than the original bill if TetraTech had to get more people involved to address the QA issues. There would be costs associated with labor and administrative costs.

Brooks was asked about identifying the invoices associated with the collection of the anomalous soil samples. Brooks said that you need to know the Task Order under which the samples were collected. He said that Task Order #2 and #7 are probably the relevant ones. The invoices associated with the relevant time period could then be requested for those Task Orders. Brooks said that he could assist with the collection of the invoices, and identified Mike Tencate as the person who would need to facilitate the request.

At this time, the interview was concluded.